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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,660	12/30/1998	WEI MING HU	237/117	1277

7590 10/01/2002

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EXAMINER

VO, TIM T

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/223,660

Applicant(s)

HU ET AL.

Examiner

Tim T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/5/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

Response to Arguments

1. Correction, on an "Office Action Summary" form mailed on 5/6/2002 was checked for "FINAL". It should have been checked for "non-final" action.

2. Applicants arguments filed July 5, 2002 have been fully considered but they are not deemed to be persuasive.

1. No amendment has been made. Therefore, no new issues raised, thus the same ground of rejection applied from previous office action mailed 5/6/2002. Claims 1-72 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tandon patent number 5,485,573 (Tandon) in view of Chung et al. patent number 6,195,760 (Chung) further in view of Randell et al. patent number 4,164,017 (Randell).

3. In response to the applicant arguments that Randell does not teach "preserve in place the state of the items of information after the failure occurs". Claim 1 and all other claims indicated same scope of claims i.e. "preserving in place the state of a first set of computer resources after the failure occurs in the computer system". From the examiner's view and interpretations that a computer system comprises a storage for storing original information state. When there is a failure occurs in a computer, the information is restored from the storage the saved the original information. Randell teaches this concept. In the background, Randell teaches, a memory for storing all items information in the system so these items information restored as desired after a failure occurs (see column 1 lines 8-22). This teaching anticipates the claim limitation. Further, Randell found that this method is extremely wasteful of storage capacity.

Therefore, Randell improvement is to minimize the storage capacity and still retrieving

original state information efficiently by determining whether there is a need to preserve the state of each item of information (see column 1 lines 44-50).

4. In response to the applicant arguments that Tandon does not teach “diagnosing the failure by analyzing one or more resources from the first set of system resources. Claim 1 and all other claims indicated same scope of claims i.e. “diagnosing the failure by analyzing one or more resources form the first set of system resource”. Again, examiner’s view and interpretations that when there is an error in a computer, the data information must be recorded for later diagnosing and correction. Column 2 lines 3-15 of Tandon teaches this concept.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tim Vo, whose telephone number is (703) 308-5862. The examiner can normally be reached on Monday-Friday from 7:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, *Peter Wong*, can be reached on (703) 305-3477 or via e-mail addressed to *[peter.wong@uspto.gov]*. The fax number for this Group is (703) 308-5358.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to *[tim.vo@uspto.gov]*.

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

Tim Vo
9/30/02



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